

CITY COUNCIL MEETING MINUTES
FEBRUARY 09, 2004

The City Council of the City of Council Bluffs, Iowa, met in regular session at 7:00 p.m., on above date in Council Chambers, City Hall. The meeting was called to order by the Honorable Mayor Thomas P. Hanafan Councilmembers present: Belt, Branigan, Primmer, Tobias, Walsh. Staff present: City Attorney Dick Wade and City Clerk Cheryl Puntney.

Held Public Hearing on instituting proceedings to take additional action for the issuance of not to exceed \$4,500,000 General Obligation Bonds and directing the advertisement for sale of \$4,500,000 General Obligation Bonds. Motion by Belt, second by Walsh, to adopt Resolutions authorizing same. Ayes: 5.

Held Public Hearing on instituting proceedings to take additional action for the issuance of not to exceed \$200,000 General Obligation Bonds. Motion by Belt, second by Primmer, to adopt Resolution authorizing same. Ayes: 5.

Held Public Hearing to approve the plans, specifications, form of contract and cost estimate for the South 18th Street Improvements FY05-11A. Motion by Branigan, second by Belt, to adopt Resolution and authorizing advertisement for bids. Ayes: 5.

Motion by Belt, second by Branigan, to pass into law an Ordinance providing that general property taxes levied and collected each year on all property located within the amended South 24th Street Urban Renewal Project Area, in the City of Council Bluffs, County of Pottawattamie, State of Iowa by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Lewis Central Community school district and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by said City in connection with said Urban Renewal Redevelopment Project. Ayes: 5.

Motion by Belt, second by Walsh, to pass into law and Ordinance amending the zoning map of the City as adopted by reference in Section 15.02.040 of the 2000 Municipal Code, by changing the district designation of certain grounds, property and premises located between Navajo Road right-of-way at South Shore Drive and the proposed East Manawa Drive from its present designation as R-1/PR-single family residential district with a planned residential overlay to R-3/PR-Low density multi-family residential district with a planned residential overlay as set forth and defined in Title15 of the 2000 Municipal Code. Ayes: 5.

Motion by Branigan, second by Belt, to pass into law an Ordinance to amend the zoning map as adopted by reference in Section 15.02.040 of the 2000 Municipal Code by repealing the PR/Planned Residential overlay on property legally described as part of the NW1/4 of Section 19-74-43, as appended by Ordinance No. 5267 on June 24, 1996. Ayes: 5.

Motion by Belt, second by Walsh, to pass to 2nd consideration an Ordinance amending Title 13 of the 2000 Municipal Code by enacting a new Chapter 13.37 entitled "Licensing of the Low Voltage Trade" Ayes: 5.

Motion by Belt, second by Primmer, to pass to 2nd consideration an Ordinance to amend Title 13 "Buildings and Construction" of the 2000 Municipal Code by amending Chapter 13.17 in part entitled "Electrical Trade" and to be codified as such. Ayes: 5.

Motion by Belt, second by Branigan, to pass to 2nd consideration an Ordinance to amend Title 13 entitled "Buildings and Construction" of the 2000 Municipal Code by amending Chapter 13.13 in part entitled "Plumbing Trade" and to be codified as such. Ayes: 5.

Motion by Branigan, second by Belt, to pass to 2nd consideration an Ordinance to amend Title 13 entitled "Building and Construction" of the 2000 Municipal Code by amending all of Chapter 13.10 entitled "Mechanical Trade" and to be codified as such. Ayes: 5.

Motion by Primmer, second by Belt, to pass to 2nd consideration an Ordinance to amend Title 13 entitled "Building and Construction" of the 2000 Municipal Code by amending Chapter 13.07 in part entitled "General Contractor's Licensing", which is to be codified. Ayes: 5.

Motion by Branigan, second by Walsh, to adopt a Resolution accepting the completion of the Veterans Plaza Project and directing the Director of Finance to release final payment of \$20,838.97 in 30 days. Ayes: 5.

Motion by Branigan, second by Belt, to adopt a Resolution authorizing the Mayor to execute IDOT Agreement #404-STPU-001 for use of Federal Aid STP Funds in connection with 24th Street Reconstruction-FY05-10. Ayes: 5.

Motion by Branigan, second by Walsh, to adopt Resolution to increase some of the fees currently appearing on the City's Schedule of Fees; and to incorporate these revised building permit fee charges into the existing Schedule of Fees. Motion by Belt, second by Tobias to amend the existing fees to read 0 to 2,000. \$41.00. Ayes: 5. Vote on original motion as amended. Ayes: 5.

Motion by Walsh, second by Belt, to adopt Resolution approving Change Order #1 for the WWTP Improvements Phase II & III Screening & Grit Removal adding \$24,702.00 to the original contract amount FY05-05A. Ayes: 5.

Motion by Walsh, second by Belt, to adopt Resolution revising the Excavation/Grading Permit Fees currently appearing on the City Schedule of Fees. Motion by Walsh, second by Belt, to amend the Resolution to make the grading fee \$.06 which would make an equivalent amount hauling outside the city as well as hauling inside the city. Ayes: 5. Vote on original motion as amended. Ayes: 5.

Motion by Walsh, second by Branigan to adopt Resolution authorizing the Mayor to execute an order accepting the Acknowledgement/Settlement Agreement from The Filling Station, 1531 Second Avenue, for violation of Iowa Code Section 453A.2(1). Ayes: 4. Branigan, Primmer, Tobias, Walsh. Abstain: 1. Belt.

Motion by Belt, second by Walsh, to adopt Resolution authorizing the Mayor to execute the Real Estate Contract to acquire 1017 Avenue B as part of the Mid-City Corridor Project. Ayes: 5.

Motion by Walsh, second by Belt, to adopt Resolution renaming the current Highway 275 from Highway 92 to the south City limits as Harry Langdon Boulevard and the current Hwy 191 from Kaneshville to the north City limits to Railroad Avenue. Motion by Belt, second by Branigan, to postpone until February 23, 2004 for clarification of Railroad Avenue/Highway name change. Ayes: 5. Vote on original motion as amended. Ayes: 5.

Motion by Walsh, second by Belt, to concur with Mayor's Appointments of the following: A. Appoint Tara Slevin, 1203 Eastwood Lane, to the Civil Service Commission with a term expiring April 3, 2006, B. Appoint Sally Madsen, 534 Oakland, to the Historic Preservation Commission with a term expiring December 31, 2005, C. Appoint Heather Mendoza, 801 28th Avenue, to the Civil Rights Commission with a term expiring August 1, 2004, D. Appoint Sharon White, 401 No. 2nd Street to the Planning Commission with a term expiring April 1, 2007. Ayes: 5.

Motion by Belt, second by Primmer, to receive and file items 8 A through 8 D. A. City Clerk's Monthly Report-January-2004, B. Notice of Right of Redemption and C. Offer to buy-William Kearney. Ayes: 5.

Motion by Belt, second by Walsh, to receive and file item 8D. Three Notices of Claim. Ayes: 4. Belt, Branigan, Tobias, Walsh. Abstain: 1. Primmer.

Motion by Primmer, second by Belt, to concur with the Enterprise Zone Commission/Community Development Department recommendation to authorize a joint application to the Iowa Department of Economic Development (IDED) by the Council Bluffs Enterprise Zone Commission and Welcome Homes, Inc. for Enterprise Zone benefits and adopt Resolution authorizing same. Ayes: 5.

Motion by Belt, second by Walsh, to concur with Community Development recommendation endorsing the Financial Assistance Application to the Iowa Department of Economic Development on behalf of Oriental Trading Company and authorizing the Mayor to execute necessary agreements upon funding approval and adopt Resolution endorsing same. Ayes: 5.

Motion by Belt, second by Primmer, to concur with Enterprise Zone Commission /Community Development Department recommendation endorsing the Financial Assistance Application to the Iowa Department of Economic Development on behalf of American Republic Insurance Company, Inc., approving the City Development Agreement outlining TIF assistance and authorizing the Mayor to execute necessary agreements upon funding approval and adopting Resolution endorsing same. Heard: Matt Buchanan, #7 No. 6th Street. Vice President of Economic Development Pottawattamie County Growth Alliance. Ayes: 5.

Motion by Walsh, second by Primmer, to approve applications for permits as follows: CLASS "LE" LIQUOR, "C" BEER, "B" WINE AND SUNDAY SALES: 1. PSRN INC., d/b/a I-80 Liquor, 2704 So. 24th Street. CLASS "BC" BEER/WINE AND SUNDAY SALES: 1. Mortensen Super Market Ltd, d/b/a Mortensen Super Market, 810 16th Avenue, 2. C.D. LLC, d/b/a/ Madison Avenue Quik Stop, 1836 Madison Avenue, 3. Kwik Shop, Inc., d/b/a Kwik Shop #501., 930 Fifth Avenue, 4. No Frills Super Markets Inc., d/b/a No Frills Super Market, 1817 W. Broadway, 5. American Drug Stores, Inc. d/b/a Osco Drug Store, #5030, 757 W. Broadway. CLASS "BB" OUTDOOR AND SUNDAY SALES: 1. City of Council Bluffs, Municipality, d/b/a Westwood Golf Course, 421 Harrah's Blvd. Ayes: 4. Branigan, Primmer, Tobias, Walsh. Abstain: 1. Belt

Councilmember Tobias thanked Public Works, Fire, Police and all City Employees who worked during the recent storms and who tolerated some of our less than patient citizens. Tobias further asked if a moratorium could be placed on parking meters during severe snowstorms. Mayor Hanafan reports he will look into that possibility.

Tobias reports at the beginning of our Country a group of individuals put together something called the constitution and it dealt with how we were going to run our country and several people putting it together were unhappy and added to that constitution some amendments (many more than twelve), but they settled on twelve and the first of those twelve amendments is Freedom of Press; it is to insure that the press would act as a watch dog, as to what the government is doing and could criticize government without the fear of any reprisal and along with that freedom comes a responsibility to report the news fairly and accurately. Tobias reports he thinks for the press not to fulfill those obligations as the press did not do at our last council meeting, we loose our freedoms. At the last Council Meeting the City of Council Bluffs City Council voted to use gaming funds to the tune of some ten million dollars, right or wrong that vote is over; however, that did not appear anywhere in the newspaper and Tobias feels the public has a right to know both sides of the issue especially of that magnitude committing the City until the year 2019. Tobias reports our reporters should have reported the large chunk of gaming dollars being spent and yet not one word was printed. Tobias feels this information should have been reported fairly and accurately and to date has not been reported.

Councilmember Walsh commented on an article in the newspaper under "Your Views" a letter written by a Council Bluffs Firefighter on behalf of Council Bluffs Professional Firefighters and The Public Safety Initiative Committee. Walsh reports the letter accused Walsh of carelessly laying off critical Police and Firefighters to send a political message to our State. Walsh feels this is a misinterpretation. The Letter in "Your Views" started "In light of Councilman Walsh's recent article", Walsh reports he did not place an article in the newspaper, however the local news media was at a recent Legislative Coffee, which was held at the Council Bluffs Library. The article highlighted some comments Walsh made. Walsh comments that the State Legislature last year in their infinite wisdom, felt it more important to fund an Economic Development Project than to pay their obligations to City and County Governments and \$760,000 was cut. Councilmember Walsh wants to go on record stating that "Our local Representatives of the Democratic Party did not vote in favor of this, they voted on behalf of our Cities and Counties but, Representative Struyk has fully indicated that this year the Legislature intends to cut \$900,000 of reimbursement tax. These are your Military Exemption Taxes, Homestead Tax Credits, and Disabled Tax Credits. The State of Iowa also has an antiquated property law which is tied to productivity of farmland and because of recent drought, low crops and low crop prices a percentage of your property assessed value that you pay taxes on is going to be taken back from 51.5% to 48.5%, which would also mean a reduction of property tax revenues to the City of 1.4 million dollars.

They are also talking about not paying their subsidies for mass transit and Cities with over 50,000 population are required to provide mass transit, which the state mandates. This is approximately 2.5 million, which the State had originally paid approximately half of, and now they are talking about not paying any of it. Walsh reports if you do your math that is approximately 2.5 million and approximately 70% of the Cities budget goes to Public Safety which means 1.7 million of that 2.5 million, if all things are equal, would have to come out of the Public Safety budget. At that meeting at the Library, Walsh reports he said if those things come to pass these revenues that are owed, are owed because they were promised to the Cities by the State, but the cold, hard reality is if these things happen there will have to be across the board cuts and Walsh reports he certainly does not want to see people loose their jobs, however someone needs to get the message out to our State Legislatures and Walsh doesn't see the Firefighters Union or Lobbying efforts there. Walsh reports he is trying to help the Public Safety and yet not put an undo property tax burden on citizens of Council Bluffs, but in a give and take world if the State is going to take, we must give. Unless people like himself get in the faces of State Legislatures and let them know what this means to our economy they are going to continue to not involve Cities. It is the Reinvent Iowa Program, which has caused this, Reinvent Iowa is a program, where someone has hired a consulting firm to tell the State not to pay their obligations. Hopefully we can get people to write to their State Legislatures and get some help. Walsh would like to see Public Safety, Firefighters Union get behind him in this fight.

Branigan reports she is anxiously awaiting the news out of Kansas City regarding the Quiet Zone Ruling, which deals with the noise from our local railroads.

Motion by Belt, second by Branigan to adjourn.

The tape recording of this proceeding though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council Meeting as if they were transcribed herein.

/s/Thomas P. Hanafan
Mayor

Attest: /s/Cheryl Puntenev
City Clerk